

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CRM-M-36434-2022 (O&M)

Date of Decision: 27.03.2023

Sarvesh Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Amandeep Singh Sidhu, Advocate for
Mr. SPS Aulakh, Advocate for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Status report dated 16.03.2023, filed by way of affidavit of
Sh. Ramandeep Singh Bhullar, Assistant Commissioner of Police
(Central), Ludhiana, on behalf of respondent-State, is taken on record.

The petitioner has filed the present petition under Section 439
of the Code of Criminal Procedure, 1973 for grant of regular bail in case
FIR No. 42 dated 04.04.2022 registered under Section 18, 61 of the NDPS
Act at Police Station Division No. 2, District Ludhiana.

As per prosecution story, on 04.04.2022, the aforesaid FIR
was lodged on the basis secret information against the petitioner and his
accomplices. Thereafter, the petitioner along with his accomplices,
namely, Deen Dayal, Vijay Singh and Deepak Kumar @ Babbu, was
apprehended with conscious possession of 2 kgs. 600 gms. of opium,
without any permit or licence in auto rickshaw bearing registration

No. PB-10-DZ-4182.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the instant case. The recovery was effected from the auto-rickshaw and the petitioner was only the occupant. The contraband recovered from the petitioner and his co-accused is marginally above the 'non-commercial quantity'. He is not involved in any other case under the NDPS Act. The petitioner is in custody since 04.04.2022. Trial is likely to take time and no purpose will be served by keeping the petitioner in custody. More so, co-accused of the petitioner, namely, Deepak Kumar @ Babbu, has already been granted the concession of regular bail by this Court vide order dated 16.01.2023, passed in CRM-M-63-2023. Thus, it is prayed that treating the case of the petitioner on the same parity as that of his co-accused, he may also be granted the concession of regular bail.

On the other hand, learned State Counsel has vehemently opposed the submissions made by learned counsel for the petitioner. However, learned counsel for the State fairly conceded the fact that he is not involved in any other case under the NDPS Act.

I have heard learned counsel for the parties and carefully gone through the record.

Keeping in view the facts and circumstances of the case, the fact that the alleged recovery of opium from the petitioner and his co-accused is marginally above the 'non-commercial quantity', also the fact that he is not involved in any other case under the NDPS Act and treating the case of the petitioner on the same parity as that of his

co-accused/Deepak Kumar @ Babbu, who is already enlarged on bail, but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, the present petition is allowed and the petitioner-Sarvesh Singh, is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

Pending application(s), if any, stand disposed of in view of the abovesaid judgment.

March 27, 2023

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No